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DERRICK PATTERSON

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DERRICK PATTERSON,

Defendant.

Case No. 22-CR-155-JFW

**DEFENDANT'S SENTENCING
POSITION; EXHIBITS**

Sentencing Date: Oct. 7, 2022

Sentencing Time: 8:00 a.m.

Defendant Derrick Patterson, by and through his attorney of record, Deputy Federal Public Defender Adithya Mani, hereby files his sentencing position, which is based on the attached memorandum of points and authorities and exhibits.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: October 3, 2022

By /s/ Adithya Mani

ADITHYA MANI
Deputy Federal Public Defender
Attorney for DERRICK PATTERSON

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MEMORANDUM OF POINTS AND AUTHORITIES

A. Introduction

After seeing his father, Derrick, arrested at the age of 9, Mr. Patterson saw his mother diagnosed with breast cancer when he was 13 years old. Instead of assuming the worst, Mr. Patterson and his mother maintained hope. He accompanied his mother to her treatments and helped her with chemotherapy. Mr. Patterson's mother was everything to him and so he tried his best to help her fight the cancer.

In 2016, when Mr. Patterson was 17 years old, Mr. Patterson's sister went to wake their mother and found her unresponsive. After hearing his sister scream, Mr. Patterson ran to the room and attempted CPR on his mother while his sister called 911. Mr. Patterson's mother died. Mr. Patterson did not know how to cope with his mother's death and lost his direction.

Mr. Patterson has had a history of ADHD and bipolar disorder and even received medication around the age of 12. But Mr. Patterson received that treatment with the assistance of his mother. After her death, Mr. Patterson didn't know how to ask for help to process his grief, or who to talk to, or where to go. Mr. Patterson instead kept things bottled up because he thought this might help him be a better big brother to his younger sister and brother.



Mr. Patterson (right), as a child, with his mother (left).

1 Lacking proper coping mechanisms, Mr. Patterson resorted to binge drinking on
2 the weekends to try to overcome his grief. His substance abuse progressed to using
3 marijuana, and then later cocaine and Percocet pills. Mr. Patterson's conduct,
4 unfortunately, escalated from using some of these illegal drugs to committing the
5 instant offense.

6 Mr. Patterson does not bring up his past to make any excuses for his conduct in
7 this case. Before her death, Mr. Patterson's mother taught him better. He never
8 envisioned engaging in the harmful actions he undertook in this case. He never
9 imagined he would cause his victims the very real pain and hurt that they experienced.

10 Prior to this time in custody, Mr. Patterson had spent only a day in jail. As a
11 result, Mr. Patterson has had an incredibly difficult 6 months at MDC. But being in
12 custody has been a necessary wake-up call for Mr. Patterson. Reflecting on his actions
13 and his life has helped Mr. Patterson learn that, even if he knows better, he needs help
14 to learn how to act on what he knows. So that he never harms anyone else or breaks the
15 law in the future.

16 Given 1) this is the first time Mr. Patterson has spent more than a day in jail, 2)
17 his recent acknowledgment of the help he needs to process his mother's trauma, 3) his
18 untreated mental illnesses, and 4) his history of substance abuse that he seeks help to
19 address, the defense submits that a total sentence of 36 months in custody, followed by
20 3 years of supervised release, would be sufficient, but no greater than necessary, to
21 achieve the goals of sentencing. Mr. Patterson, however, graciously accepts any
22 sentence the court imposes. Regardless of the sentence he receives, Mr. Patterson
23 knows that, as a 23-year-old, he still has much of his life remaining to make his mother
24 proud and provide a better example to his younger brother and sister.

25 **B. Procedural Posture and Objections to the Presentence Report**

26 On July 12, 2022, Mr. Patterson pled guilty, pursuant to a plea agreement, to
27 Counts 7 and 10 of the Indictment, charging him with Hobbs Act Robbery, in violation
28

1 of 18 U.S.C. § 1951(a), and Aggravated Identity Theft, in violation of 18 U.S.C.
2 § 1028A, respectively. (Minutes of Change of Plea Hearing, Dkt. 34.)

3 Pursuant to the plea agreement, the government agreed to, among other things, 1)
4 dismiss the remaining counts of the Indictment, and 2) recommend a two-level
5 reduction in the applicable Sentencing Guidelines offense level for Mr. Patterson's
6 acceptance of responsibility and, if necessary, move for an additional one-level
7 reduction. (Plea Agreement, Dkt. 32, ¶¶ 3(c)-(d).) The parties also agreed to a base
8 offense level of 20 under U.S.S.G. §2B3.1(a), a 3-level enhancement for a dangerous
9 weapon being brandished under U.S.S.G. §2B3.1(b)(2)(E), a 2-level enhancement for
10 physical restraint under §2B3.1(b)(4)(B), and a 2-level enhancement for multiple
11 counts under §3D1.2. (*Id.*, ¶ 15.)

12 On August 15, 2022, the United States Probation & Pretrial Services Office
13 ("USPO") disclosed the Presentence Investigation Report ("PSR") and its
14 recommendation. The PSR calculates an advisory guidelines range of 70 to 87 months,
15 plus a two-year mandatory consecutive term on Count 10, based on a total offense level
16 of 27 and a Criminal History Category of I. (PSR, Dkt. 36, at 4.)

17 The defense objects to the USPO's calculation of the advisory guidelines range
18 because, as analyzed further below, it incorrectly includes a 4-level enhancement for a
19 dangerous weapon being "otherwise used" under U.S.S.G. §2B3.1(b)(2)(D) instead of a
20 3-level enhancement for a dangerous weapon being "brandished or possessed" under
21 §2B3.1(b)(2)(D). The defense also requests the Court apply 2 additional levels under
22 the multiple count adjustment that the parties agreed to in the plea agreement, instead
23 of the 4 additional levels that the PSR includes.¹

24
25 ¹ Although it does not affect the calculation of the total offense level, Mr.
26 Patterson also objects to the PSR's 1-level enhancement for causing victim E.G. to
27 suffer losses exceeding \$20,000 under U.S.S.G. §2B3.1(b)(7)(B). (*See* PSR, ¶ 60.) In
28 the plea agreement, Mr. Patterson agreed that he caused victim E.G. to suffer losses of
approximately \$18,278.07. (Plea Agreement, at 8.) While the PSR claims total losses
of \$57,444.74, the defense contends that the additional losses beyond the amount
agreed to in the plea agreement lack sufficient proof. (*See* PSR, ¶ 17.) As a result, the
1-level enhancement should not apply.

1. Mr. Patterson Should Receive a 3-level Enhancement for Brandishing a Dangerous Weapon, Instead of a 4-level Enhancement for Using a Dangerous Weapon

The USPO incorrectly asserts that a 4-level enhancement for “otherwise using” a dangerous weapon under U.S.S.G. §2B3.1(b)(2)(D) should apply to Mr. Patterson’s conduct with respect to victims E.M. and D.W. (PSR, ¶ 45 and 67.) A 3-level enhancement for “brandishing” a dangerous weapon, however, more accurately reflects Mr. Patterson’s conduct with respect to these victims.

a. Mr. Patterson Brandished the Knife in Front of Victim E.M.

The USPO cites *United States v. Albritton* to argue that Mr. Patterson “otherwise used” a knife, instead of “brandish[ing]” it when he pointed the knife at victim E.M. (PSR, ¶ 44 (citing *United States v. Albritton*, 622 F.3d 1104, 1107-08 (9th Cir. 2010)).) *Albritton* does not support the USPO’s argument.

Application note 1(c) of U.S.S.G. §1B1.1 states that “brandished” with reference to a dangerous weapon “means that all or part of the weapon was displayed, or the presence of the weapon was otherwise made known to another person, in order to intimidate that person, regardless of whether the weapon as directly visible to that person.” Application note 1(j) of U.S.S.G. §1B1.1 states that “otherwise used” with reference to a dangerous weapon “means the conduct did not amount to the discharge of a firearm but was more than brandishing, displaying, or possessing a firearm or other dangerous weapon.”

In *Albritton*, the defendant pointed a BB pistol at a bank teller and yelled “Down, Down!” and “leveled” the pistol at another bank employee “in directing her across the room.” *Albritton*, 622 F.3d at 1107. In ruling that this action represented more than “brandish[ing]”, the Ninth Circuit explained that the definition of brandish included “[t]o wave or flourish (a weapon, for example) menacingly” and “to display ostentatiously.” *Id.*

1 Pointing a knife, as Mr. Patterson did here, constitutes “brandishing,” rather than
 2 “using” the knife, as outlined by the use of the pistol in *Albritton*. By pointing a pistol
 3 at a person, with a finger ready to instantly pull the trigger, the defendant in *Albritton*
 4 caused more fear to his victims than if he had simply held the firearm up without
 5 pointing it at them. This is because people generally know that a firearm functions by
 6 pointing the firearm at an intended target and pulling the trigger to fire a projectile at
 7 the intended target.

8 Mr. Patterson’s pointing of a knife at victim E.M. here, while concerning, does
 9 not rise to the level of fear caused by the pointing of a pistol at a person. A knife does
 10 not fire a projectile at an intended target the way a firearm does. Striking a person with
 11 a knife after pointing it at them is much more difficult than striking a person with a
 12 bullet when pointing a firearm at them. Equating the two ignores the ways in which a
 13 firearm and a knife work.

14 In *United States v. Roberts*, the Tenth Circuit ruled that the defendant “used” a
 15 knife rather than “brandished” it where the defendant walked up behind a victim while
 16 holding a knife in his right hand, put his right arm around the victim, and held the knife
 17 next to her face and neck while demanding money. 898 F.2d 1465, 1469-70 (10th Cir.
 18 1990). Mr. Patterson, by contrast, after pointing the knife, would have still needed to
 19 restrain the victim and then position his knife close to the victim’s neck to replicate the
 20 actions of the defendant in *Roberts*. Again, the caselaw shows that Mr. Patterson’s
 21 pointing of a knife at E.M. constitutes brandishing the weapon, rather than using it.

22 **b. Mr. Patterson Brandished the Stun Gun in Front of Victim**
 23 **D.W.**

24 The PSR’s application of a 4-level enhancement for use of the stun gun with
 25 D.W. is incorrect because the facts merely show that the stun gun was brandished,
 26 instead of being used. Specifically, paragraph 18 of the PSR states that “Patterson
 27 chased D.W. with the stun gun” while paragraph 67 makes a factual leap and asserts
 28 that “Patterson pointed a stun gun at D.W. and chased D.W. with it [.]” (PSR, ¶¶ 18,

67.) The PSR reasons that “[g]iven that Patterson specifically pointed a stun gun at the victim and chased him with it, a four-level increase for otherwise using a dangerous weapon has been applied.” (*Id.*, ¶ 67.) The PSR provides no explanation or justification for this factual leap. Without it, the 4-level enhancement does not apply. As explained above in Section 1-a., the Ninth Circuit has found that pointing a firearm at a person constitutes use of the weapon, rather than merely brandishing it. But chasing a person with a stun-gun, without sufficient evidence that the weapon was, at minimum, pointed at the person, does not constitute use of a weapon. Accordingly, the 3-level enhancement for brandishing the stun gun should apply here, rather than the 4-level enhancement for otherwise using the weapon.

2. Mr. Patterson’s Conduct Does not Justify Imposing a 3-level Enhancement for Hate Crime Motivation

The defense anticipates the government will argue that a 3-level enhancement for hate crime motivation under U.S.S.G. §3A1.1(a) should apply, even though the PSR does not recommend this enhancement. The Court should reject the government’s argument, however, because 1) the government is unable to prove beyond a reasonable doubt that Mr. Patterson, a gay black man, intentionally targeted victims based on their sexual orientation, and 2) the caselaw does not support the application of the enhancement here.

To apply the 3-level enhancement for hate crime motivation under U.S.S.G. § 3A1.1(a) following a guilty plea, the Court at sentencing must determine “beyond a reasonable doubt that the defendant intentionally selected any victim or any property as the object of the offense of conviction because of the actual or perceived... sexual orientation of any person.” Application Note 1 confirms that “special evidentiary requirements govern the application of this subsection.”

In *United States v. Boylan*, a municipal judge pleaded guilty to wire fraud for, among other things, reducing traffic fines and penalties for exclusively female municipal court defendants in exchange for sexual favors. 5 F.Supp.2d 274, 276, 283

1 (D.N.J. 1998). The district court in that case imposed a 2-level vulnerable victim
2 enhancement based on the defendant selecting poor individuals, but did not impose a 3-
3 level hate crime enhancement since it did “not appear beyond a reasonable doubt that
4 the primary motivation for the offense was a hatred of” the victims. *Id.*, at 283.

5 In *United States v. Castellanos*, a Hispanic defendant pleaded guilty to mail
6 fraud and making a false statement to a federally insured lending institution, in part for
7 defrauding victims by primarily using extensive advertising in Spanish-language media.
8 81 F.3d 108, 109 (9th Cir. 1996). The district court applied a vulnerable victim
9 enhancement based on the victims being “unusually susceptible” to the defendant’s
10 scheme by virtue of being Spanish-speakers or Hispanic individuals, and placing their
11 trust in the defendant as “one of their own.” *Id.*, at 110. The Ninth Circuit overturned
12 the district court’s ruling, finding nothing in the record suggested that the Spanish-
13 speaking population in the area shared some unique susceptibility to fraud. *Id.*, at 112.

14 In *Masmari v. United States*, the defendant was convicted of arson for setting a
15 fire at a crowded gay night club in Seattle. Case No. C16-0540 RSM, 2016 WL
16 3280381, at *1 (W.D. Wash. Jun. 15, 2016). While the presentence report considered
17 the potential of a 3-level hate crime enhancement based on one of the cooperating
18 witnesses reporting that Mr. Masmari expressed the view that homosexuals should be
19 exterminated, the report did not recommend the enhancement in part because the
20 enhancement requires proof beyond a reasonable doubt. *Id.*, at *2.²

21 Here, it is not clear beyond a reasonable doubt that Mr. Patterson, a gay black
22 man, intentionally selected any alleged victims due to their sexual orientation rather
23 than who he independently would choose to go on dates with. Similar to the defendant
24 in *Boylan*, Mr. Patterson’s motivation here was not a “hatred” of other men who were
25 gay, like him. Mr. Patterson could have used Grindr as a dating application regardless
26

27 ² Undersigned counsel has not found any cases where a court has applied the hate
28 crime enhancement to a defendant belonging to the same class of people that were
allegedly the object of the defendant’s alleged hate crime, as with Mr. Patterson and
other gay men in this case.

1 of the conduct in the instant offense because he was a gay person interested in dating
 2 other men. Further, like the victims in *Castellanos*, there is also nothing that makes gay
 3 men uniquely susceptible to the conduct that Mr. Patterson committed.

4 **C. 18 U.S.C. § 3553(a) Factors**

5 Taking into account all of the sentencing factors under 18 U.S.C. § 3553, as
 6 outlined in *United States v. Booker*, 543 U.S. 220 (2005), the defense contends that a
 7 total sentence of 36 months in custody, comprised of 12 months on Count 7, and a
 8 consecutive 24 months on Count 10, to be followed by 3 years of supervised release, is
 9 sufficient but no greater than necessary to achieve the goals of sentencing.

10 **1. Personal History and Characteristics**

11 **a. Maternal Illness and Paternal Incarceration Infect an Early** 12 **Childhood Otherwise Filled with Love and Support**

13 Mr. Patterson was born to Derrick Malik Patterson and Treshaun Stemmons on
 14 January 16, 1999. (PSR, ¶ 122.) When Mr. Patterson was just a young boy, his mother
 15 got him into playing basketball after she played it for a long time. (*Id.*, ¶ 124.) Mr.
 16 Patterson loved playing basketball and was even on traveling teams because of how
 17 well he performed. (*Id.*)

18 When he was approximately 9 years old, Mr. Patterson saw his father getting
 19 arrested and often being incarcerated after that. (PSR, ¶ 125.) On August 25, 2016,
 20 Mr. Patterson's father was sentenced to 132 months in custody for sex trafficking in the
 21 District of Arizona. (Ex. A, *United States v. Patterson*, 14-CR-1395-RM-BGM-1,
 22 Docket, at 2.) Mr. Patterson's father's sentencing position in that case details that, to
 23 provide for Mr. Patterson, his father started selling quantities of marijuana shortly after
 24 he was born. (Ex. B, Patterson Sr. Sent. Pos., at 9.) This led to Mr. Patterson's father
 25 "back into associations with convicts, and refueled his own drug usage." (*Id.*) While
 26 Mr. Patterson's father still found a way to personally care for his children, his criminal
 27 activity resulted in periods of being absent from Mr. Patterson's life.

1 Studies show that across age groups, fathers' incarceration increases aggression
 2 in their sons. (See Ex. C, Nat'l Research Council, *The Growth of Incarceration in the*
 3 *United States: Exploring Causes and Consequences* (2014), Chapter: 9 Consequences
 4 for Families and Children, at 271³ (PDF pg. 15 of 27).) Professor Terry Ann Craigie of
 5 Connecticut College adds that "children of incarcerated fathers are vulnerable to future
 6 incarceration and consequently, their behavioral problems should be diagnosed and
 7 effectively addressed." (Ex. D, Am. Bar Foundation, *Parental Incarceration in the*
 8 *United States: Bringing Together Research and Policy to Reduce Collateral Costs to*
 9 *Children*, at 6⁴.) Another study found that "[t]he *chronic* dimension of parental
 10 incarceration stems from how early in children's lives this trauma can occur and how
 11 persistent its long-term intergenerational consequences can be." (See Ex. E, John
 12 Hagan & Holly Foster, *Mass Incarceration, Parental Imprisonment, and the Great*
 13 *Recession: Intergenerational Sources of Severe Deprivation in America*. Russell Sage
 14 Found. J. of the Soc. Sciences (Nov. 2015), at 82⁵.)

15 Shortly after seeing his father getting arrested, Mr. Patterson recalls being
 16 molested by an older child on at least one occasion. (PSR, ¶ 126.) Around this time,
 17 Mr. Patterson was also diagnosed with attention deficit hyperactivity disorder
 18 ("ADHD") and bipolar disorder. (*Id.*, ¶ 135.) Mr. Patterson recalls using effective
 19 medication for some time, but cannot recall why he and his mother decided that he
 20 would stop. (*Id.*, ¶ 136.) He also saw a therapist for some time but stopped after his
 21 mother was diagnosed with breast cancer. (*Id.*, ¶ 126.) Mr. Patterson has never
 22 received any medication or therapy since then. (See *id.*, ¶ 136.)

25 ³ Available at <https://www.nap.edu/read/18613/chapter/11#270> (last visited Sept.
 26 27, 2022).

27 ⁴ Available at http://www.americanbarfoundation.org/uploads/cms/documents/white_house_conference_summary.pdf (last visited Sept. 27, 2022).

28 ⁵ Available at <https://muse.jhu.edu/article/603808/pdf> (last visited Sept. 27, 2022).

b. Losing his Mother, his Everything, to Cancer

Throughout his childhood and early teenage years, Mr. Patterson's mother was everything to him. Even now, his eyes light up when he speaks about the person she was and how she lived her life. Aside from introducing him to basketball, Mr. Patterson's mother also fostered children, was strict, and financially supported her children and her mother. (PSR, ¶ 123-24.) Mr. Patterson's mother took pride in supporting homeless people through food banks and often took her children along with her when doing so. (*Id.*)

When Mr. Patterson was around 13 years-old, his mother was diagnosed with metastatic breast cancer. (PSR, ¶ 127; Ex. B, Patterson Sr. Sent. Pos., at 10.) When Mr. Patterson's mother told him about her diagnosis, he was devastated. Nonetheless, Mr. Patterson, trying to emulate his mother's strength, would accompany his mother to her breast cancer treatments and help her with chemotherapy even as a young teenager. (PSR, ¶ 127.)

One morning in 2016, Mr. Patterson's sister went to their mother's room to wake her up. (PSR, ¶ 127.) When she didn't wake up, Mr. Patterson heard his sister screaming. (*Id.*) He went into his mother's room and frantically tried to do CPR to resuscitate her. It did not work. (*Id.*) Mr. Patterson and his sister called 911. Unfortunately, they also could not do anything and Mr. Patterson's mother passed away from her battle with breast cancer. (*Id.*; see also Ex. B, Patterson Sr. Sent. Pos., at 11.)

Losing one's mother is among the worst things that can happen to any child. But what made things worse for Mr. Patterson is that his mother's death followed a number of tragedies that had already happened just before. (PSR, ¶ 127.) Mr. Patterson lost his best friend to a shooting on a night when they were out together in 2015. (*Id.*) In 2013, Mr. Patterson's baby cousin died at the age of 2 from suffocating, and Mr. Patterson also unexpectedly lost a couple of other friends just before that. (*Id.*)

c. No Opportunities to Grieve and No one to Teach Mr. Patterson how to Cope

All of these tragedies happening within a few short years caused Mr. Patterson to become depressed and withdrawn. (PSR, ¶ 127.) Making matters worse, Mr. Patterson dealt with all of these tragedies without his father around and having to go live with his grandmother. (*Id.*) Mr. Patterson’s father’s sentencing position details that “[a]bove all, Derrick is frantic about the status of his children, who are now living with Treshaun’s mother. For Derrick, it is unimaginable that his children were forced to face their mother’s passing and funeral, and a move to their grandmother’s home (a disconcerting event that Derrick intimately understands from his own childhood experience), without his support.” (Ex. B, Patterson Sr. Sent. Pos., at 12.)

Mr. Patterson started missing school after his mother passed, unable to face his peers who knew about the tragedies that Mr. Patterson was dealing with. (PSR, ¶ 127.) Despite loving and being good at basketball, Mr. Patterson also stopped playing after the sport failed to bring him any relief from the traumas he was experiencing. (*Id.*)

d. The Hurdles Mr. Patterson Faces as a gay Black Man

As early as kindergarten, Mr. Patterson liked some other boys in his class, which he realized in hindsight was when he knew he was gay. (PSR, ¶ 128.) Around his freshman year in high school, Mr. Patterson’s mother asked him if he liked boys and he answered yes, to which they both laughed. (*Id.*) Mr. Patterson’s mother, however, passed before he could formally come out to her. Nonetheless, he appreciates that his mother and father both supported him throughout his life regardless of his sexual orientation. (*Id.*)

A 2020 study by the Center for American Progress found that 1) 25% of Black LGBTQ individuals reported experiencing discrimination from law enforcement, compared to 13% of white LGBTQ respondents; 2) 78% of Black LGBTQ individuals reported discrimination in trying to get hired, compared to 55% of white LGBTQ respondents; and 3) 36% of LGBTQ respondents of color reported receiving SNAP

1 benefits, compared to 20% of white LGBTQ respondents. (Ex. F, Center for American
2 Progress, “Black LGBTQ Individuals Experience Heightened Levels of
3 Discrimination,” Jul. 13, 2021.⁶) Gay people in America face heightened
4 discrimination, with the effects of that discrimination felt even more strongly among
5 gay black people, like Mr. Patterson.

6 Mr. Patterson also experiences further difficulty in custody because he is a gay
7 black man. At least one study has shown that non-heterosexual individuals experience
8 significantly higher rates of sexual victimization while in federal custody than
9 heterosexual individuals do. (Ex. G, Beck, Berzofsky, Caspar, and Krebs, *Sexual*
10 *Victimization in Prisons and Jails Reported by Inmates, 2011-12*, U.S. Department of
11 Justice, Bureau of Justice Statistics, at 18 (estimated 1.2% of heterosexual inmates
12 reported being sexually victimized by another inmate, compared to 12.2% of non-
13 heterosexual inmates, and estimated 2.1% of heterosexual inmates reported being
14 sexually victimized by staff, compared to 5.4% of non-heterosexual inmates.⁷) After
15 previously only being in jail for a day, even the 6 months that Mr. Patterson has been
16 doing at MDC is harder for him than it would be for a heterosexual person.

17 **2. Deterrence: Mr. Patterson has Used this Wake-up Call to Accept** 18 **That he Needs Help**

19 Before Mr. Patterson’s mother passed, he was interested in two professions as
20 potential career options. He first wanted to become a doctor and help people after
21 watching doctors make such a difference on television shows and in movies. He also
22 thought he might want to be a judge someday after seeing his dad get arrested and
23 incarcerated.

26
27 ⁶ Available at <https://www.americanprogress.org/article/black-lgbtq-individuals-experience-heightened-levels-discrimination/> (last visited Sept. 27, 2022).

28 ⁷ Available at <https://bjs.ojp.gov/content/pub/pdf/svpjri1112.pdf> (last visited Sept. 27, 2022).

1 After losing his mother, Mr. Patterson lost his sense of guidance and direction.
2 While Mr. Patterson's grandmother tried to take care of him and his siblings, his
3 mother was dead and his father was in prison. No one continually motivated him to
4 study hard and commit to school like his mother had. Nobody taught Mr. Patterson
5 how to apply for and get a formal job.

6 Since his mother's passing, Mr. Patterson has also not received any formal
7 counseling or therapy. He has never properly processed what happened nor coped with
8 his grief in a productive way. Instead, Mr. Patterson has often looked to illicit
9 substances to distract him from the pain of losing his mother and never processing it.
10 (PSR, ¶¶ 138-41.) While he is in custody and afterwards, Mr. Patterson would benefit
11 from mental health treatment and substance abuse treatment. (*Id.*, ¶ 142.)

12 **a. Moving Forward from his Biggest Mistakes**

13 As a young adult, Mr. Patterson committed the biggest mistakes of his life in
14 committing the instant offense. Mr. Patterson, however, has already spent more time in
15 custody than ever before. That time has impressed upon him the seriousness of his
16 violations and that his actions have consequences. He has accepted how scary and
17 concerning his conduct in this case was, and acknowledged the real pain that his
18 victims experienced.

19 Mr. Patterson has also used this time in custody to reflect on how he can avoid
20 ever coming into contact with the criminal justice system again. He will focus on
21 restarting his schooling to get a college degree and commit more seriously to his hair-
22 styling work and trying to help the homeless. (*See* PSR, ¶ 131.) Mr. Patterson also has
23 accepted that it is ok to be vulnerable in situations like this one and ask for help. Mr.
24 Patterson acknowledges that he needs help with processing the trauma of his father's
25 incarceration and his mother's death. He is confident that by receiving proper mental
26 health treatment and potential medication, he will be able to refrain from abusing
27 substances and engaging in any future actions like the ones he committed in the instant
28 offense.

1 **D. Conclusion**

2 For the foregoing reasons, the defense respectfully requests the Court sentence
3 Mr. Patterson to a total term of 36 months in custody, to be followed by 3 years of
4 supervised release.

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6 Respectfully submitted,
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8 CUAUHTEMOC ORTEGA
9 Federal Public Defender

10 DATED: October 3, 2022

By /s/ Adithya Mani

11 ADITHYA MANI
12 Deputy Federal Public Defender
13 Attorney for DERRICK PATTERSON
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